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REMARKS

In the Office Action mailed January 17, 2002 the Examiner allowed Claims 12-17; rejected Claims 1-3, 5, 7-11 and 18-25; and objected to Claims 4 and 6. Reconsideration of the present application is respectfully requested in light of the foregoing amendment and the following remarks.

Claims 8-11 are Definite

In paragraph 1 of the Official Action, the Examiner rejected Claims 8-11 under 35 U.S.C. §112, second paragraph, alleging that the claims were indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 8 has been amended, and it is submitted that amended Claim 8 and Claims 9-11 are definite and particularly point out and distinctly claim the invention.

Casner and Freeman, Do Not, Either Singularly or in Combination, Describe, Teach or Suggest the Invention of Claims 1-3, 5, 7-11 and 18-25

In paragraph 3 of the Official Action, the Examiner rejected Claims 1-3, 5, 7-11 and 18-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,517,411 to *Casner* ("*Casner*") in view of U.S. Patent No. 6,020,980 to *Freeman* ("*Freeman*").

Claim 18

In rejecting Claim 18, the Examiner alleged that column 3, line 52 through column 4, line 17 of *Casner* describe receiving the called telephone number and billing information. *Casner* describes that a user inputs a long distance trunk access code (usually the number "8" in a hotel) plus "1" for a direct dial call or "0" for an operator assisted call and the telephone number for the called party. Column 3, lines 46-49. The cited section of *Casner* describes that the user inputs a station number or room number "which identifies the station which he or she is utilizing." Column 3, lines 62-63. The station number or room number is compared to a list of valid station numbers to determine whether the station number is valid. If the station number is valid, a dial back unit is activated and the station number is dialed to determine whether the station is busy. If the station is busy, then a verification message is generated. Thus, it is believed that the Examiner has equated the station number input by the user with the billing information recited by Claim 18.

The Examiner admitted that *Casner* does not describe charging a set activation fee for the telephone call. However, the Examiner alleged that *Freeman* describes that it was well-known to charge a set activation fee for a telephone call and cited column 1, lines 52-65 of *Freeman*. The cited section of *Freeman* describes that if a facsimile is sent to a hotel guest, that the hotel guest typically pays a charge to receive the facsimile. The cited section of *Freeman* only describes charging a fee to the recipient of a facsimile (the called party). The cited section of *Freeman* does not describe charging a fee to a calling party. In contrast, the set activation fee recited by Claim 18 is charged to the calling party. Therefore, *Freeman* does not describe charging a set activation fee for the telephone call, as recited by Claim 18.

The Examiner alleged it would be obvious to combine *Casner* and *Freeman* so that a telephone owner can profit by providing telephone service to a guest. However, there is no suggestion in either *Casner* or *Freeman* of charging a set activation fee, as defined by Claim 18. The set activation fee is charged for operator-assisted or toll-free calls, as well as regular telephone calls. Application page 5, lines 10-12. In contrast, neither *Casner* nor *Freeman* describe that a fee is charged if the user places a toll-free call.

Moreover, there is no motivation to combine *Casner* and *Freeman* in the manner suggested by the Examiner. *Casner* is directed to an improved private branch exchange ("PBX") billing method and apparatus. Column 1, lines 45-47. In contrast, *Freeman* is directed a system and method for delivering facsimile messages, generated by facsimile devices, to an e-mail address as an object file attached to an e-mail message. Column 3, lines 33-36. There is no suggestion in *Casner* that the private branch exchange described in *Casner* could be used to deliver a facsimile attached to an e-mail message. In addition, there is no suggestion in *Freeman* that it would be useful to use a PBX to deliver a facsimile message by attaching it to an e-mail message. Thus, there is no teaching in either *Freeman* or *Casner* that the references could be combined.

Claim 1

The Examiner rejected Claim 1 citing the same arguments used to reject Claim 18. The Examiner did not provide an independent basis for the rejection of Claim 1. Claim 1 recites "identifying the telephone call as having the originating telephone number associated with the set activation fee telephone." The Examiner did not provide a citation that describes identifying a telephone call as having the originating telephone number associated with the set activation fee telephone. The section of *Casner* cited by the Examiner describes that the user inputs a station

number or room number. However, as discussed above in connection with Claim 18, it is believed that the Examiner is equating the station number to the billing information. If the station number is equated to the billing information, then there is no description in *Casner* of identifying the telephone call as being associated with a set activation fee telephone. Alternatively, if the Examiner intended to equate the station number or room number to the originating telephone number, then *Casner* does not describe billing information, as recited by Claims 1 and 18.

In addition, *Casner* assumes that all telephones in the system are treated the same way, i.e. all calls are subject to the validation process. *Casner* does not describe that only certain telephones in the system are subject to validation. In contrast, Claim 1 recites that the set activation fee is charged only for telephone calls identified as having originated from a set activation fee telephone.

Claim 8

In rejecting Claim 8, the Examiner cited column 3, line 57 through column 4, line 12 of *Casner* in connection with “determining whether the billing information is present within a first database” and “determining whether a telephone number corresponding to the pay telephone is present within a second database.” As discussed in more detail above in connection with Claims 1 and 18, the cited section of *Casner* only describes comparing a station number or room number input by a user with a list of valid station numbers stored in memory. The cited section of *Casner* makes only a single comparison between input data and a stored list. In contrast, Claim 8 requires that a determination is made as to whether billing information is present within a first database and whether a telephone number corresponding to the pay telephone is present in the second database. Because *Casner* only describes a single comparison, *Casner* does not describe the two determinations recited by Claim 8.

Claim 23

Claim 23 recites that if the telephone call originated from a telephone having an originating telephone number that corresponds to an entry in the database, then determining that a set activation fee applies to the telephone call and adding the set activation fee as a second portion of the charge, so that the set activation fee is independent of the first portion of the charge. As discussed in more detail in connection with Claim 18, neither *Casner* nor *Freeman* describes adding a set activation fee to a charge for a telephone call. In addition, as described in

more detail in connection with Claim 1, neither *Casner* nor *Freeman* describes determining whether the telephone call originated from a telephone having an originating telephone number that corresponds to an entry in a database.

Dependent Claims 2-7, 9-11, 19-22 and 24-25

Claims 2-7, 9-11, 19-22 and 24-25 depend from independent Claims 1, 8, 18 and 23, respectively. The remarks made above with respect to the independent claims are equally applicable to distinguish the dependent claims from the cited references.

Allowable Subject Matter

In paragraph 4 of the Official Action, the Examiner allowed Claims 12-17 and in paragraph 5 of the Official Action, the Examiner indicated that Claims 4 and 6 would be allowable if rewritten in independent form. Claims 4 and 6 depend from independent Claim 1. As demonstrated by the foregoing, Claim 1 is allowable, thus, the foregoing amendment does not amend Claims 4 and 6.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the pending claims are patentable over the cited references. If the Examiner believes that there are any issues that can be resolved via a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact Brenda Holmes at 404.685.6799.

Respectfully submitted,



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Version of the Claims With Markings to Show Changes Made

8. (Amended) In a public switched telephone network, a method for charging a set activation fee to a caller using a pay telephone, comprising:

- receiving a telephone number corresponding to a called terminating element;
- receiving billing information;
- determining whether the billing information is present within a first database;
- [determining whether a telephone number corresponding to the pay telephone is present within a second database;]
- in the event that the billing information is present in the first database, placing the telephone call;
- otherwise, informing the caller that the telephone call may not be placed;
- determining whether the telephone number corresponding to the pay telephone is present in a second database; and
- in the event the telephone number corresponding to the pay telephone is present in the second database, charging a set activation fee to the caller at the termination of the telephone call.

18. (Amended) A method for [changing] charging a set activation fee for a telephone call directed to a called telephone number, comprising:

- generating a false dial tone;
- receiving the called telephone number and billing information;
- maintaining the false dial tone;
- determining whether the billing information is valid;
- if the billing information is valid, then releasing the false dial tone;
- seizing a true dial tone;
- placing the telephone call to the called telephone number; and
- [changing] charging the set activation fee for the telephone call.